



Town Council Agenda Report

SUBJECT: Request for Proposals for outside attorneys specializing in certain legal fields

CONTACT PERSON/NUMBER: Robert C. Middaugh, (954) 797-1030

TITLE OF AGENDA ITEMS:

Invitations to Submit Bids to Serve as Special Counsel to the Town of Davie, Florida.

REPORT IN BRIEF: On April 5, 2000, Town Council decided it was in the Town's best interest to establish an in-house legal department and solicit bids for a request for proposal for outside Special Counsel specializing in certain legal fields. The in-house legal department would provide general municipal legal functions, while legal functions requiring specialized legal expertise would be provided by outside special legal counsel(s).

Attached for your review is a draft of the Request for Proposals for outside Attorneys specializing in certain legal fields. This professional service is intended to supplement the services provided by the in-house legal department.

PREVIOUS ACTIONS: Not Applicable

CONCURRENCES: Not Applicable

FISCAL IMPACT:

Has request been budgeted? No

Expected cost: undetermined

Account Name: Contingency

RECOMMENDATION(S): Motion to approve the Request for Proposals and allow staff to move forward with the solicitation of proposals.

Attachment(s): Request for Proposal

**INVITATIONS TO SUBMIT BIDS TO
SERVE AS SPECIAL COUNSEL TO THE
TOWN OF DAVIE, FLORIDA**

I. NATURE OF PROPOSAL

The Town of Davie invites firms, individuals, and/or sole practitioners (hereinafter referred to as “firm” or “firms”) to submit proposals for outside special legal counsel.

II. QUALIFICATIONS

- A. Firms must possess demonstrated ability, knowledge and expertise to provide general legal advice, as well as trial and appellate representation to the Town of Davie, Florida, related to its daily operations. Firms must have sufficient knowledge and experience and be able to allot sufficient amounts of time, personnel, and resources to meet the great demands that the Town of Davie will at times place upon its special counsel and be in a position to respond rapidly, efficiently, and effectively.
- B. Firms must be licensed to do business in the State of Florida and maintain a fully staffed office within the Miami-Dade/Broward or Broward/Palm Beach County area.
- C. Firms must be “AV” rated in Martindale-Hubbell; all members assigned to Town work must be members in good standing of the Florida Bar for at least five (5) years, have five (5) years experience in the area(s) in which a proposal is submitted and have high academic credentials and a superior professional reputation.

III. INFORMATION TO BE PROVIDED

- A. Provide a profile of all attorneys within the firm and their specialty practice areas. A response to this section should also include information as to the length of time that the firm has provided such services for the public sector.
- B. Provide resumes of partners and associates who will be representing the Town of Davie, which information should include an indication of the experience that each attorney possesses relating to representation in each specific specialty practiced.
- C. Provide a description of the general capabilities of the firm, including information relating to total size and staffing, resources, library and research capabilities, support equipment, professional staff and clerical support and, percentage of total firm time devoted to representation of employers in the area of specialization.
- D. Provide a description of the basis upon which the firm would expect to be compensated for litigation and administrative proceedings, as well, as general legal advice, including rates for partners, associates, and paralegals, if applicable. Alternate proposals regarding compensation structure will be considered.
- E. List at least five (5) current and pertinent public sector professional and financial references (name, address, and telephone number) that the Town may contact in relation to the proposer’s qualifications and experience in similar type work.

- F. List at least five (5) former public sector clients (name, address, and telephone number) that can serve as a reference on similar past jobs performed by the proposer.
- G. Provide a list of relevant cases of the firm's wins and losses within the last five (5) years.
- H. Describe your philosophy of litigation versus amicable settlements.
- I. Provide a statement about why the proposer feels his/her firm is the best choice for this professional service.
- J. Provide a description of activities conducted within the public sector relating to the provision of legal services associated with each specialty practiced within at least the last five (5) years.
- K. Provide a sample of the firm's most recent client newsletter or legal update literature.
- L. Provide documentation to address one or more of the following areas of your firm's specialization:
1. Police Legal Advice:
 - Describe the firm's experience providing legal advise, as well as, trial and appellate representation, pursuant to the Florida Contraband Forfeiture Act and the Federal Forfeiture Act.
 - Describe the firm's experience in providing legal advise, research, and rendering opinions on appropriate expenditures and uses of funds collected reference to the Florida Contraband Forfeiture Act and the Federal Forfeiture Act.
 - Describe the firm's experience in providing legal advice to Police Officers on a police scene.
 2. Land Use:
 - Describe the firm's experience with unique applications of federal and state policies with regard to land use matters.
 - Provide a list of land use litigation cases at all judicial levels handled by the firm. Describe the nature and extent of the cases including the final outcome.
 3. Franchise Agreements:
 - Outline the firm's involvement and experience in the preparation, review, and negotiations of utility franchise agreements (i.e., solid waste collection, disposal and recycling, electric, telephone, cable, and telecommunications).
 4. Eminent Domain:
 - Outline the firm's involvement in eminent domain actions and mediated eminent domain settlement agreements.

5. Utilities:

- Outline the firm's involvement in water issues, wastewater issues, collections, charges, assessments, and interlocal agreements.

6. Bond Issues:

- Describe the firm's experience with legal aspects of traditional public financings, revenue financings, special assessments financings, and lease financings.
- Outline the firm's involvement in assistance to local governments in structuring, preparing and marketing debt financing, and obtaining maximum benefits from financing programs.
- Outline the firm's involvement in protection and promotion of local government interests.
- Describe the firm's experience with provisions of objective legal opinions on the issuance, sale or placement of debt.
- Describe the firm's experience with determination of whether proposed debts constitute valid and binding obligations of local government, the sources of payment or security for the debt, and whether and to what extent interest on the debt is exempt from Federal and Florida income taxes.

7. Labor Relations:

- Outline the firm's involvement in Florida Public Relations Commission (PERC) hearings on behalf of public sector clients. List the range of issues.
- Describe the firm's experience with union issues, collective bargaining negotiations, and impasse resolution in representing public sector clients (i.e., chief spokesperson, drafting contract language, research on issues related to bargaining obligations, etc.)
- Describe with specificity the types of arbitration cases in which the firm has been involved on behalf of public sector clients.
- Does your firm exclusively represent employers? If not, provide the percentage of the firm's business involved in representing employees.
- Describe the nature and extent of the firm's experience in employment discrimination cases and litigations (federal and state) on behalf of public sector clients. Provide copies of significant state and federal appellate decisions in which the firm represented public sector clients.
- Describe the extent of the firm's experience regarding public pension plans under Florida and Federal law.
- Describe training programs or seminars on employment law and collective bargaining that have been developed or presented by the firm, its partners, or associates.

8. Other Legal Services:

- Describe the firm's experience and expertise in handling other municipal legal specialties that were not specifically mentioned in this Request for Proposal but that the firm wishes to be considered for.

IV. INSURANCE

The Town requires that the successful proposer procure and maintain throughout the term of services: workers' compensation coverage; employer's liability for all its employees; which coverage meets all applicable state and federal laws; commercial general liability coverage; and, business automobile coverage with amounts appropriate to the proposer's practice. In addition, the successful proposer must procure and maintain throughout the term of services: professional liability or malpractice insurance with minimum limits of \$6,000,000 per occurrence exclusive of defense costs. Further, the successful proposer must procure and maintain throughout the term of services: an additional \$6,000,000 of insurance for defense costs. The selected firm(s) shall be responsible for any applicable deductibles. All insurances shall be rated A.M. Best A+; XV.

V. HOLD HARMLESS

The successful proposer shall hold the Town harmless against all claims for bodily injury, sickness, disease, death or personal injury or damages to property or loss of use resulting therefrom arising out of the performance of services, unless such claims are a result of the Town's sole negligence. The Town shall also be held harmless against all claims for financial loss with respect to the provision of or failure to provide professional or other services resulting in professional or malpractice liability arising out of the performance of services, unless such claims are a result of the Town's sole negligence.

VI. PUBLIC ENTITY CRIMES INFORMATION

A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.

VII. DISCLOSURE OF POSSIBLE CONFLICTS OF INTEREST

Disclose the name and position of any Town of Davie employee or official who is also an owner, corporate officer, or employee of the firm.

Also, disclose the name of any municipal entity that the firm is presently retained by to perform legal work. Include information on the nature and extent of the legal work provided and an appropriate date in which the firm's legal work is expected to be complete.

VIII. REGISTRATION OF LOBBYISTS

Firms or individuals which wish to contact any official of the Town of Davie, Florida, must first register with the Town Clerk as a lobbyist for the Request for Proposal. Failure to register before contacting any official will result in disqualification from the proposal and submissions will not be considered. Lobbying Registrations Certificates (attached hereto) should be mailed or delivered to:

Town of Davie
Town Clerk
6591 Orange Drive
Davie, Florida 33314-3399

Registration must be submitted by contractor for lobbying prior to proposal submission.

IX. RETENTION OF RECORDS

The selected firm(s) will maintain legal records and files pursuant to the State of Florida Records Retention Schedule.

X. CANCELLATION

The Town shall have the right to cancel this professional service or suspend performance thereof without cause for the Town's convenience upon written notice.

XI. PARTIAL SUBMITTALS

Proposals may be submitted for one (1) or more areas of specialization.

XII. AWARD

The Town reserves the right to award the bid to multiple firms for different areas of specialization.

XIII. SELECTION PROCESS

Proposals will be reviewed by a Town Committee which may consist of the Town Council. This Committee will short list and interview firms deemed to be the most highly qualified to perform the required services. Cost of the services will not be the sole consideration in selection of the most highly qualified firm(s). The Committee reserves the right to make its recommendation based on the best qualified firm(s) in the sole discretion of the Committee. The final decision will be made by Town Council.

XIV.SUBMISSION AND RECEIPT OF PROPOSAL(S)

The Town will accept proposals until 5:00 p.m., EST, on the ____ day of _____, 2000. Nine (9) copies of the proposal must be submitted to:

Herb Hyman, Procurement Manager
Town of Davie - Budget and Finance Department
6591 Orange Drive
Davie, Florida 33314-3399

BIDDERS LIST

Weiss, Serota, Helfman, Pastoriza & Guedes, P.A.
1132 S.E. 2nd Avenue
Ft. Lauderdale, FL 33316

Josias & Goren
3099 E. Commercial Blvd.
Ft. Lauderdale, FL 33308

Allen, Norton & Blue, P.A.
121 Majorca Avenue
Coral Gables, FL 33134

Muller, Mintz, Kornreich, Caldwell, Casey, Crosland & Bramnick, P.A.
200 South Biscayne Boulevard, Suite 3600
Miami, FL 33131

Weiss, Serota, Helfman, Pastoriza & Guedes, P.A.
2665 South Bay Shore Drive, Suite 204
Miami, FL 33133

Whelan, DeMaio & Kiszkiel, P.A.
1401 Brickell Ave., Suite 500
Miami, FL 33131-2944

Johnson, Anselmo, Murdoch, Burke & George, P.A.
790 East Broward Blvd., Suite 400
Ft. Lauderdale, FL 33301

Eckert Seamans Cherin and Mellott, LLC
450 East Las Olas Boulevard
Ft. Lauderdale, FL 33301

Greenberg Traurig PA
515 East Las Olas Boulevard
Ft. Lauderdale, FL 33301

Holland & Knight
1 East Broward Boulevard
PO Box 14070
Ft. Lauderdale, FL 33302-4070

Adorno & Zeder
2601 South Bay Shore Drive, Suite 1600
Miami, FL 33133

Becker and Poliakoff
3111 Stirling Road
Ft. Lauderdale, FL 33312

Ruden McClosky Smith Schuster & Russell, P.A.
200 East Broward Boulevard
P. O. Box 1900
Ft. Lauderdale, FL 33302

John Heam
Asst. City Attorney
9551 West Sample Road
Coral Springs, FL 33065

Jeff Hochman
1300 West Broward Blvd.
Ft. Lauderdale, FL 33312

Joel Cantor
3250 Hollywood Blvd.
Hollywood, FL 33021

Eugene Steinfeld
City Attorney
5790 Margate Blvd.
Margate, FL 33063

Stacy Williams
3099 East Commercial Blvd., Suite 200
Ft. Lauderdale, FL 33308